

REMARKS

I. Status

The Office Action indicates claims 1-23, 48-70, 95, and 96 to be pending in this Application. With this response, claim 95 is amended. No new matter has been added.

Claims 1-23, 48-70, 95, and 96 are rejected under 35 U.S.C. 112, first paragraph.

Claim 95 is rejected under 35 U.S.C. 101.

Claims 1-3, 6-16, 19-22, 48-50, 53-63, 66-69, 95, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent No. 6,269,369).

Claims 17, 23, 64, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Tsou (U.S. Application No. 2002/0184089).

Claims 18 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Young (U.S. Patent No. 7,024,690).

Claims 4 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Bieganski (U.S. Patent No. 6,412,012).

Claims 5 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Spooner (U.S. Application No. 2005/0034099).

Claims 1, 48, 95, and 96 are independent.

II. Rejection under 35 U.S.C. 112

The Office Action rejects claims 1-23, 48-70, 95, and 96 under 35 U.S.C. 112, first paragraph, the Office Action stating that:

“[t]he limitation ‘determining, at the first hand-held device’, as recited in independent claims 1, 48, and 95 and the limitation ‘determining, at the hand-held device’, as recited in independent claim 96, do not appear to be supported by the applicant’s original disclosure ...”
(see Office Action p. 2).

However, Applicants respectfully disagree in view, for instance, of the disclosure of the present application setting forth that:

“[t]he query-requesting user’s node could act to search for address book entries common to both its user’s address book and the address book of the queried user, for instance, by searching its user’s address book for entries corresponding to received entries, portions, and/or identifiers”
(see disclosure of the present application p. 8; emphasis added).

In view of at least the foregoing, Applicants respectfully request that the rejection be withdrawn.

III. Rejection under 35 U.S.C. 101

The Office Action, stating that:

“[t]o clarify, the examiner asserts that claim 95 is not statutory because it is not limited to statutory embodiments. Instead, the means recited could consist purely of software program code”
(see Office Action p. 13),

apparently suggests that claim 95 be amended to set forth hardware means.

With this response, Applicants amend claim 95 in accordance with the Office Action’s suggestion and respectfully request that the rejection be withdrawn.

IV. Rejection of Independent Claims 1, 48, 95, and 96 under 35 U.S.C. 103

The Office Action rejects independent claims 1, 48, 95, and 96 under 35 U.S.C. 103(a) as being unpatentable over Robertson.

However, Applicants respectfully submit that Robertson fails, for example, to disclose, teach, or suggest:

“... determining, at the first hand-held device, a match between the data received at the first hand-held device and data held by a second hand-held device within a short-range communication range of the first hand-held device; [and]

creating a log entry in accordance with the match ...”

as set forth in each of claims 1 and 48 (emphasis added), and as similarly set forth in claim 95.

As another example, Robertson fails to disclose, teach, or suggest:

“... determining, at the hand-held device, a match between received data and data held by a hand-held device within a short-range communication range ...; [and]

creating a log entry in accordance with the match ...”

as set forth in claim 96 (emphasis added).

The Office Action, stating that:

“... since each hand-held device includes its own database that can be synchronized with the server database and each hand-held device also includes its own software, it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to program the first hand-held device to carry out the function of determining a match, in order to ease the workload on the sever and so that the server need not be consulted as often”
(see Office Action p. 5),

apparently contends that Robertson teaches that each personal information manager comes to possess the entire contents of the server database, and that in view of this the above-quoted of the claims “would have been obvious to one of ordinary skill in the art.”

However, Applicants respectfully observe that Robertson fails, for instance, to so teach, and instead merely discusses that:

“[i]n an alternative embodiment, which is configured for personal information managers (PIMs), such as the U.S. Robotics Palm Pilot, a user is able to synchronize their user information and their PIM database 390 through an importation/synchronization function performed by the personal contact manager software 343. The synchronization operation can be performed in either direction (i.e., client to server or server to client)”
(see Robertson col. 15 ln. 46-54; emphasis added).

Should the Office Action be pointing to Robertson’s use of the term “full synchronization,” Applicants believe it clear that Robertson’s discussion that:

“[t]hus, the alternative embodiment allows full synchronization of PIMs and the server database 340”
(see Robertson col. 15 ln. 63-65)

refers merely to the above-noted wherein “a user is able to synchronize their user information and their PIM database 390” (emphasis added).

In view of at least the foregoing, Applicants respectfully submit that claims 1, 48, 95, and 96, as well as those claims that depend therefrom, are in condition for allowance.

V. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further

address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4121US1.

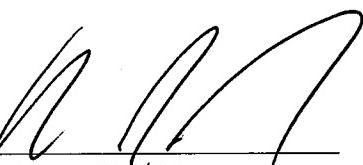
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: June 30, 2008

By:



Angus R. Gill
Registration No. 51,133

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700
(212) 415-8701 (Fax)